IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1652 OF 1998

Smt.Renuka Vamanrao Valimbe .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

Mr.A.R.Pitale for petitioner

Mrs.S.S.Bhende for respondent Nos. 1 to 5.

Mrs.Varsha Sawant for V.P.Sawant for respondent No.6.

CORAM : A.P.SHAH AND

S.C.DHARMADHIKARI, JJ.

**DATE : 18TH OCTOBER 2004.**

P.C.

1. Heard Advocates.

2. In the year 1995 an advertisement inviting applications for grant of fair price

shop came to be issued. Petitioner in her capacity as a President of proposed Cooperative Society applied for allotment of a fair price shop. Petitioner claims that her case falls under the preferential category No.5(a) of Cooperative Societies. Respondent No.4 by his order dated 28th August 1995 granted fair price shop in favour of respondent No.6. Respondent No.6 is also a cooperative society and in the list of priority, respondent No.6 was at Sr.No.2 whereas petitioner was at Sr.No.3. Petitioner challenged the order of respondent No.4 before the Divisional Commissioner, Konkan Division, Navi Mumbai. The appeal was dismissed on 4th November 1996. Then petitioner preferred revision before the Minister for State for Food and Civil Supplies which came to be dismissed vide order dated 15th January 1998.

3. We have heard learned Counsel for both parties. Learned A.G.P. pointed out that as on the date of submitting an application for allotment of fair price shop, petitioner was not registered as a cooperative society. Even on the date on which the order of the Additional

Collector (respondent No.4) was passed, petitioner's society was not registered. Therefore, petitioner's case was not covered under preferential category 5(a) and the authorities have rightly made the allotment in favour of respondent No.6.

4. Petition is accordingly dismissed.

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